

REMARKS

Reconsideration of the present application is respectfully requested.

The application currently stands restricted to Invention I, claims 1-8 and Invention II, claims 9-20. Applicants respectfully traverse the restriction requirement on grounds that only one invention is claimed in the present application. And even if Applicants varied claiming strategy could be fairly interpreted as defining distinct or independent inventions, Applicants respectfully assert that the Examiner would not be overburdened by searching and examining both sets of claims. In fact, MPEP §803 makes it clear that "If the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions." In this case, Applicants respectfully assert that if the Examiner does a full and thorough search with regard to claims 9-20, the subject matter of claims 1-8 should be substantially covered by that search, or the search was not as thorough as it should have been. Therefore, Applicant respectfully requests that the restriction requirement be withdrawn.

In an effort to advance prosecution, Applicant has amended claim 1 in a way that helps make it clear that the application includes only a single invention. Even if the Restriction Requirement is still deemed proper in view of the amendment made to claim 1, Applicant respectfully asserts that no serious burden will be placed upon the Examiner to search and examine all of the claims pending in the application. There should be no dispute that an appropriate search in order to examine the presently pending claims ought to require searching for references that touch upon the concept of leak detection and diagnosis in a fuel system for an engine. Since such a search should inherently encompass all of Applicants' claiming strategies for the single pending invention, MPEP §803 mandates that the entire application be examined. Therefore, Applicant respectfully again requests that the Restriction Requirement be withdrawn.

In the event that the Restriction Requirement is still deemed proper, Applicant respectfully elects Invention II, and claims 9-20 for substantive examination. But again respectfully asserts that a thorough search with regard to the elected invention will

inherently reveal the patentability of the claims 1-8, which simply reflect a different claiming strategy for the same invention.

Respectfully Submitted,



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